THE ORIGINAL POWER OF THE COLLECTIVE BODY OF THE PEOPLE of ENGLAND,

Examined and Aſſerted.

By *DANIEL DE FOE.*

To which are added, by the ſame AUTHOR,

Some Diſtinguiſhing CHARACTERS OF A *PARLIAMENT-MAN.*

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To the GENTLEMEN, CLERGY, *and* FREEHOLDERS *of the* COUNTY *of* MIDDLESEX, *and the* LIVERYMEN *of the* CITY *of* LONDON.

GENTLEMEN,

YOUR Conduct in the preſent Criſis of Affairs, ſhews a diſcerning Judgment, a true Knowledge of the Principles of our Conſtitution, and ſuch a Firmneſs of Mind, and unmoved Integrity, as muſt gain the high Applauſe of Poſterity, however much it may be calumniated by the Friends of Arbitrary Power in the preſent Times.

However others may be either too unthinking, too indolent, too timorous, or too corrupt to ſtand up in Support of our Liberties, and for a Redreſs of our Grievances, you have wiſely and nobly reſolved to do it againſt all Obſtacles and Oppoſitions whatſoever.

Deputies and Repreſentatives may, (and Hiſtory informs us they have) betray the Intereſts of their Conſtituents; they may exerciſe the Power entruſted with them to the Ruin of the Conſtitution. And muſt, in ſuch a Caſe, the *Repreſented* ſubmit, and not preſume to argue againſt it upon any Suppoſition of Miſmanagement? This certainly can never be conſiſtent either with the Principles of our Conſtitution, or any other, or with the natural Principles of Things in the very Foundation of Nature. For unleſs we will place the Original of Power in the *repreſenting*, not in the Perſons *repreſented*, (which is an Abſurdity) it cannot be made out that there ought to be no Complaint upon the Score of their Miſmanagement.

It is contrary to the Reaſon of Things to ſuppoſe that the People have no Right to be ſenſible of the Ruin of their Liberties, till it is abſolutely compleated.

Certainly, in the Reaſon of Things, they muſt have a Right to take Cognizance of *any* Degree of Invaſion made upon their Rights.

The excellent Tract, which I beg Leave to offer to your Conſideration and Patronage, wrote by the celebrated *Daniel De Foe*, at a Time when the Principles of our Conſtitution, and of Government in general, were nicely examined into, will prove, upon undeniable Principles, the Original Power of the *Collective Body* of the People of *England*, and conſequently the Fitneſs of your Proceedings; and will be an undeniable and irrefragable Anſwer to all that the Friends of Arbitrary Power can pretend againſt you: It is therefore to be hop'd and wiſh'd that you will extend the Influence of it to the utmoſt of your Power over the whole Kingdom; as it is from the Unanimity of the People in Support of your noble Endeavours, that Hope can be formed of their Succeſs.---May you, Gentlemen, have that noble Fortitude and Integrity, and be ſupported by the whole Kingdom with that Unanimity, which will command Succeſs; that you may have at preſent the nobleſt of all Pleaſures, the being the SAVIOURS *of the Liberties of your Country*, and be bleſſed for it in all future Ages. This is the fervent Wiſh, and ardent Prayer, of,

GENTLEMEN,

Your moſt Humble Servant,

A Liveryman of the City of London.

LONDON, July 3, 1769.

To the KING.*

SIR,

'TIS not the leaſt of the Extraordinaries of Your Majeſty's Character, That as You are King of Your People, ſo You are the People's King.

This Title, as it is the moſt Glorious, ſo is it the moſt Indiſputable in the World.

God himſelf appointed, the Prophet proclaimed, but the People's Aſſent was the finiſhing the Royal Authority of the firſt King of Iſrael.

Your Majeſty, among all the Bleſſings of your Reign, has reſtored this, as the beſt of all our Enjoyments, the full Liberty of Original Right in its Actings and Exerciſe.

Former Reigns have invaded it, and the laſt thought it totally ſuppreſt, but as Liberty revived under Your Majeſty's juſt Authority, this was the firſt Flower ſhe brought forth.

The Author of theſe Sheets humbly hopes, That what Your Majeſty has ſo glorioufly reſtored, what our Laws and Conſtitution have declared and ſettled, and what Truth and Juſtice openly appears for, he may be allowed to vindicate.

Your Majeſty knows too well the Nature of Government, to think it at all the leſs honourable, or the more precarious, for being devolved from, and centered in the Conſent of your People.

The Pretence of Patriarchal Authority, had it really an uninterrupted Succeſſion, can never be ſupported againſt the demonſtrated Practice of all Nations; but being alſo diveſted of the chief Support it might have had, if that Succeſſion could have been proved: The Authority of Governors, Jure Divino, *has ſunk ignominiouſly to the Ground, as a prepoſterous and inconſiſtent Forgery.*

And yet, if Vox Populi *be, as 'tis generally allowed,* Vox Dei, *Your Majeſty's Right to theſe Kingdoms* Jure Divino, *is more plain than any of Your Predeceſſors.*

How happy are theſe Nations, after all the Oppreſſions and Tyranny of Arbitrary Rulers, to obtain a King who reigns by the univerſal Voice of the People, and has the greateſt Share in their Affections that ever any Prince enjoyed, Queen Elizabeth *only excepted.*

And

* King WILLIAM the Third.

And how vain are the Attempts of a Neighbouring Prince, to nurſe up a contemptible Impoſture, *upon the Pretence of forming a Claim on the Foundation of but a pretended Succeſſion, againſt the Conſent of the general Suffrage of the Nation.*

To what Purpoſe ſhall all the Proofs of his Legitimacy be, ſuppoſing it could be made out, *when the univerſal Voice of the People already expreſſed in enacted Laws, ſhall anſwer,* We will not have this Man to reign over us.

May this Affection of Your Subjects continue to the lateſt Hour of Your Life, and may Your Satisfaction be ſuch as may convince the World, That the chiefeſt Felicity of a Crown conſiſts in the Affections, as the firſt Authority of it derives from the Conſent of the People.

To the LORDS Spiritual and Temporal, and the COMMONS of ENGLAND.

My Lords and Gentlemen,

THE Vindication of the Original Right of all Men to the Government of themſelves, is ſo far from a Derogation from, that it is a Confirmation of legal Authority.

Your Lordſhips, who are of the Nobility, have your Original Right, your Titles and Dignities from the Greatneſs of your Shares in the Freeholds of the Nation: If Merit has raiſed any of your Anceſtors to diſtinguiſhing Honours, or, if the Royal Favour of Princes has dignified Families, it has always been thought fit to beſtow, or to enable them to purchaſe a Portion of the Freehold of England *to be annexed to the ſaid Titles, to make ſuch Dignities rational, as well as to ſupport the Succeſſion of Honour.*

From hence you are veſted with Sovereign Judicature, as being the propereſt to be truſted with the Diſtribution of Juſtice in that Country, of which you were ſuppoſed to have, and once had, the principal Property.

From hence you ſit in Parliament as a Branch of our Conſtitution, being Part of the Collective Body, repreſenting no Body but yourſelves; and as a Teſtimony that the Original of all Power centers in the Whole.

The reſt of the Freeholders have originally a Right to ſit there with you, but being too numerous a Body, they have long ſince agreed,

agreed, that whenever the King thinks fit to advise with his People, they will chuse a certain few out of their great Body to meet together with your Lordships.

Here, in short, is the Original of Parliaments, and here, if Power at any Time meets with a Cess, if Government and Thrones become vacant, to this Original all Power of Course returns. This is the happy Center in the great Circle of Politick Order.

From hence at the late Revolution, when the King deserted the Administration, and his present Majesty was in Arms in England, *Nature directed the People to have Recourse to your Lordships, and to desire your Appearance as the Heads of the great Collective Body; and all the Champions for the great Arguments of Divine Right could not in that Exigence have Recourse to one Precedent, nor to one Rule of Proceeding, but what Nature would have dictated to the meanest Judgment,* viz. That the Nation being left without a Governor, the Proprietors should meet to consider of another.

And you, Gentlemen of the House of Commons, *who are the Representatives of your Country, you are this great Collective Body in Miniature, you are an Abridgement of the many Volumes of the* English *Nation.*

To you they have trusted jointly with the King and the Lords, the Power of making Laws, raising Taxes, and impeaching Criminals: But how? 'Tis in the Name of all the Commons of England, *whose Representatives you are.*

All your Power is your's, as you are a full and free Representative. I no where attempt to prove what Powers *you have not, possibly the Extent of your legal Authority was never fully understood, nor have you ever thought fit to explain it. But this I may be bold to advance, that whatever* Powers *you have, or may have, you cannot exercise but in the Name of the* Commons of England, *and you enjoy them as their Representatives, and for their Use.*

All this is not said to lessen your Authority: Nor can it be the Interest of any English Freeholder *to lessen the Authority of the* Commons *assembled in* Parliament.

You are the Conservators of our Liberties, the Expositors of our Laws, the Levyers of our Taxes, and the Redressers of our Grievances, the King's best Counsellors, and the People's last Refuge.

But if you are dissolved, for you are not immortal; or if you are deceived, for you are not infallible; 'twas never yet supposed, till very lately, that all Power *dies with you.*

You

You may die, but the People remain; you may be diſſolved, and all immediate Right may ceaſe; Power may have its Intervals, and Crowns their Interregnum; *but Original Power endures to the ſame Eternity the World endures to: And while there is People, there may be a legal Authority delegated, tho' all Succeſſion of ſubſtituted Power were at an End.*

Nor have I advanced any new Doctrine, nothing but what is as ancient as Nature, and born into the World with our Reaſon: And I think it would be a Sin againſt the Parliament of England, *to ſuggeſt that they would be offended either with the Doctrine or with the Author, ſince 'tis what their own Authority is built upon, and what the* Laws of England *have given their Aſſent unto by confirming the Acts of the laſt* Collective Body of the People, *from whence the preſent Settlement of the Nation does derive.*

Wherefore I make no Apology for Protection or Favour as to the Fact; as to Language I am ready to aſk Pardon if I offend, declaring my Intention is neither for nor againſt either Perſon or Party. As there is but One Intereſt *in the Nation, I wiſh there was but* One Party, *and that Party would adhere to unbiaſſed Juſtice, and purſue the Honour and Intereſt of the* Proteſtant Religion, *and the* Engliſh Liberty.

THE

THE ORIGINAL RIGHT OF THE PEOPLE of ENGLAND,

Examined and Aſſerted.

I Have obſerved, when Intereſt obliges any Perſon or Party to defend the Cauſe they have eſpouſed, they pleaſe themſelves with fancying they conceal their private Deſigns, by covering their Diſcourſes with gay Titles.

Thus ſome Gentlemen place fine ſpecious Titles on their Books, as *Jura Populi Anglicani*, *A Vindication of the Rights of the Commons of* England, and a *Vindication of the Rights of the Lords*, and the like; and with large and high Encomiums upon the Excellency of our Conſtitution, treat the Levity of the People's Judgments with fine Notions; whereas the true End and Deſign is defending the Intereſt and Party they have eſpouſed.

The Defence of the Rights of the Repreſentative Body of the People, underſtood by the Name of the Commons of *England* in Parliament, *is a great Point*; and ſo plain are their Rights, that 'tis no extraordinary Taſk to defend them: But for any Man to advance, that they are ſo auguſt an Aſſembly, that no Objection ought to be made to their Action, nor no Reflection upon their Conduct, tho' the Fact be true; and that it is not to be examined whether the

Thing ſaid be true, but what Authority the Perſon ſpeaking has to ſay it, *is a Doctrine wholly new*, and ſeems to be a Badge of more Slavery to our own Repreſentative than ever the People of *England* owes them, or than ever they themſelves expected.

This therefore, together with ſome Invaſions of the People's Rights made public by ſeveral Modern Authors, are the Reaſons why I have adventur'd, *being wholly diſintereſted and unconcerned either for Perſons or Parties*, to make a ſhort Eſſay at declaring the Rights of the People of *England*, not Repreſentatively but Collectively conſidered.

And with due Deference to the Repreſentative Body of the Nation, I hope I may ſay, *it can be no Diminution of their Rights*, to aſſert the Rights of that Body from whom they derive the Powers and Privileges of their Houſe, and which are the very Foundation of their Being. For if the original Right of the People be overthrown, the Power of the Repreſentative, which is ſubſequent and ſubordinate, muſt die of itſelf.

And becauſe I have to do rather with Reaſon and the Nature of the Thing, than with Laws and Precedents, I ſhall make but very little Uſe of Authors, and Quotations of Statutes, ſince Fundamentals and Principles are ſuperior to Laws or Examples.

To come directly to what I deſign in the following Papers, 'tis neceſſary to lay down ſome Maxims, other than what a late * Author has furniſhed us with.

1. *Salus Populi ſuprema Lex*, all Government, and conſequently our whole Conſtitution, was originally deſigned, and is maintained for the Support of the People's Property, who are the Governed.

2. That all the Members of Government, whether King, Lords or Commons, if they invert the great End of their Inſtitution, the public Good, ceaſe to be in the ſame public Capacity.

And Power retreats to its Original.

3. That no Collective or Repreſentative Body of Men whatſoever, in Matters of Politics any more than Religion, *are or ever have been infallible.*

Sir *H. M.* Vindication of the Houſe of Commons.

4. That

4. That Reaſon is the Teſt and Touch-ſtone of Laws, and that all Law or Power that is contradictory to Reaſon, is *ipſo Facto* void in itſelf, and ought not to be obeyed.

Theſe four Generals run through the whole following Diſcourſe.

Some other Maxims leſs general are the Conſequence of theſe; as,

Firſt, That ſuch Laws as are agreeable to Reaſon and Juſtice being once made, are binding both to King, Lords and Commons, either ſeparately, or conjunctively, till they are actually repealed in due Form.

That if either of the three Powers do diſpenſe with, ſuſpend, or otherwiſe break any of the known Laws ſo made, they injure the Conſtitution; and the Power ſo acting ought to be reſtrained by the other Powers not concurring, according to what is lately allowed, *That every Branch of Power is deſigned as a Check upon each other.* *Sir* H. M. *Vindication of the Commons.*

But if all the three Powers ſhould join in ſuch an irregular Action, the Conſtitution ſuffers a Convulſion, dies, and is diſſolved of Courſe.

Nor does it ſuffice to ſay, That King, Lords and Commons can do no Wrong, ſince *the mutual Conſent of Parties*, on which that fooliſh Maxim is grounded, does not extend to every Action King, Lords and Commons are capable of doing.

There are Laws which reſpect the common Rights of the People, as they are the Parties to be Governed, and with Reſpect to theſe the King can do no Wrong, but all is laid upon his Miniſters——who are accountable.

And there are Laws which particularly reſpect the Conſtitution, the King, Lords and Commons, as they are the Parties governing: In this Regard each Branch may wrong and oppreſs the other, or altogether, may do Wrong to the People they are made to govern.

The Commons may extend their Power to an exorbitant Degree, in impriſoning the Subjects, diſpenſing with the *Habeas Corpus* Act, giving unlimited Power to their Sergeant to oppreſs the People in his Cuſtody, withholding Writs of Election from Boroughs and Towns, and ſeveral other Ways; which, if they are not checked either by the

King, or the Lords, *they are altogether Parties to the Wrong*, and the Subject is apparently injured.

The Lords may err in Judicature, and deny Juſtice to the Commons, or delay it upon Punctilio's and ſtudied Occaſions, and if neither the King nor the Commons take Care to prevent it, Delinquents are excuſed and Criminals encouraged, *and all are guilty of the Breach of common Juſtice.*

That to prevent this, it is abſolutely neceſſary that in Matters of Diſpute the ſingle Power ſhould be governed by the joint, and that nothing ſhould ſo be inſiſted upon as to break the Correſpondence.

That the three ſhould be directed by the Law; and where that is ſilent, by Reaſon.

That every Perſon concerned in the Law is in his Meaſure a Judge of the Reaſon, and therefore in his proper Place ought *to be allowed to give his Reaſon in Caſe of Diſſent.*

That every ſingle Power has an abſolute Negative upon the Acts of the other; and if the People, who are without Doors find Reaſon to object, *they may do it by Petition.*

But becauſe under Pretence of Petitioning, ſeditious and turbulent People may foment Diſturbances, Tumults, and Diſorders: The Subjects Right of petitioning being yet recognized and preſerved, the Circumſtances of ſuch Petitions are regulated by Laws, as to the Number and Qualities of the Perſons petitioning.

But the Laws have no where preſcribed the Petitioners to any Form of Words, and therefore no Pretence of Indecency of Expreſſion can be ſo criminal as to be deſtructive of the Conſtitution; becauſe, tho' it may deſerve the Reſentment of the Petitioned, yet it is not an illegal Act, nor a Breach of any Law.

And yet the Repreſentative Body of the People ought not to be bantered or affronted neither, at the Will and Pleaſure of any private Perſon without Doors, who finds Cauſe to petition them.

But if any Expreſſion be offenſive to the Houſe, it ſeems reaſonable that the Perſons who are concerned therein ſhould be required to explain themſelves; and if upon ſuch Explanation the Houſe find no Satisfaction as to the particular Affront, they are at Liberty to proceed as the Law directs; but no otherwiſe.

And

And to me, the Silence of the Law in that Caſe ſeems to imply, that rejecting the Petition is a Contempt due to any Indecency of that Nature, and as much Reſentment as the Nature of the Thing requires: But as to breaking in upon perſonal Liberty, which is a Thing the Law is ſo tender of, and has made ſo ſtrong a Fence about, I dare not affirm 'tis a juſtifiable Procedure; no, not in the Houſe of Commons.

It is alledged, that it has been practiſed by Parliaments; which is to me far from an Argument to prove the Legality of it.

I think it may paſs for a Maxim, that a Man cannot be legally puniſhed for a Crime which there is no Law to proſecute. Now ſince there is no Law to proſecute a Man for Indecency of Expreſſion in a Petition to the Houſe of Commons, it remains a Doubt with me how they can be legally puniſhed.

Precedents are of Uſe to the Houſes of Parliament where the Laws are ſilent in Things relating to themſelves, and are doubtleſs a ſufficient Authority to act from. But whether any Precedent, Uſage or Cuſtom, of any Body of Men whatever, can make a Thing lawful which the Laws have expreſly forbid, remains a Doubt with me.

It were to be wiſhed ſome of our Parliaments would think fit, at one Time or another, to clear up the Point of the Authority of the Houſe of Commons, in Caſe of impriſoning ſuch as are not of their Houſe, that having the Matter ſtated by thoſe who are the only Expoſitors of our Laws, we might be troubled with no more *Legion Libels*, to tell them what is, or is not, legal in their Proceedings.

The Good of the People governed is the End of all Government, and the Reaſon and Original of Governors; and upon this Foundation it is, that it has been the Practice of all Nations, and of this in particular, that if the Mal-Adminiſtration of Governors have extended to Tyranny and Oppreſſion, to Deſtruction of Right and Juſtice, overthrowing the Conſtitution, and abuſing the People, the People have thought it lawful to reaſſume the Right of Government in their own Hands, and to reduce their Governors to Reaſon.

The preſent happy reſtoring of our Liberty and Conſtitution is owing to this Fundamental Maxim.

That

That Kings, when they deſcend to Tyranny,
Diſſolve the Bond, and leave the Subject free.

If the People are juſtifiable in this Procedure againſt the King, I hope I ſhall not be cenſured if I ſay, *That if any one ſhould aſk me, whether they had not the ſame Right in the ſame Caſes, againſt any of the three Heads of the Conſtitution,* I dare not anſwer in the Negative.

I may be allowed to ſuppoſe any Thing which is poſſible; and I will therefore venture to ſuppoſe, That in the late King's Reign the Houſe of Commons, then ſitting, had voted the Reſtoration of Popery in *England*, in Compliance with the King's Inclination.

I doubt not but it had been lawful for the *Grand Juries, Juſtices of the Peace*, and *Freeholders of any County*, or of every County, to have petitioned the Houſe of Commons not to proceed in giving up their Religion and Laws.

And in Caſe of Refuſal there, they might petition the Houſe of Lords not to have paſſed ſuch a Bill.

And in Caſe of Refuſal there they might petition the King, and put him in Mind of his Coronation Engagement.

And in Caſe of Refuſal to that Petition, they might petition the King again to diſſolve the Parliament, or otherwiſe to protect their Liberties and Religion.

And if all theſe peaceable Applications failed, I doubt not but they might aſſociate for their mutual Defence againſt any Invaſion of their Liberties and Religion, and apply themſelves to any neighbouring Power or Potentate for Aſſiſtance and Protection.

If this be not true, I can give but a ſlender Account of our late Revolution; which, nevertheleſs, I think to be founded upon the exact Principles of Reaſon and Juſtice.

Nor will the Pretence of Indecency of Expreſſion be any Argument to bar the Subject of his Right of petitioning, or juſtify the ill Treatment of ſuch Petitioners.

" *When there is Occaſion to debate concerning theſe Superior*
" *Powers of King, Lords and Commons, we muſt not argue like*
" *Lawyers in* Weſtminſter-Hall, *from the narrow Foundation*
" *of*

" *of private Cauſes of* Meum *and* Tuum; *but like Stateſmen* " *and Senators, from the large and noble Foundation of Govern-* " *ment, and the general Good of the King and People.*"

Nor would it be an Argument in the ſuppoſed Caſe I am upon, for any Body to ſay, That the Occaſion muſt concern that Part of the Country from whence ſuch Petition is brought: For the introducing of Popery would certainly concern every County of *England.*

And ſuppoſe again, the People thought themſelves in Danger of an Invaſion from *France,* and thereupon the Counties of *Kent* and *Suſſex* ſhould have petitioned the Houſe to take them into Conſideration, who, in ſuch Caſe, were like to be the Seat of the War, and firſt expoſed to the Enemy; Would any Body ſay, the Occaſion did not ariſe in the County from whence ſuch Petition did proceed?

In this *Univerſal Right of the People* conſiſts our general Safety: For notwithſtanding all the Beauty of our Conſtitution, and the exact Symmetry of its Parts, about which ſome have been ſo very elegant, *this noble well-contrived Syſtem has been over-whelmed*; the Government has been inverted; the People's Liberties have been trampled on, and Parliaments have been rendered uſeleſs and inſignificant: And *what has reſtored us?* The laſt Reſort has been to the People; *Vox Dei has been found there,* not in the *Repreſentatives,* but in their Original the *Repreſented.*

And what has been the Engine that has led the Nation to it? the Reaſon and Nature of the Thing. Reaſon governs Men when they are Maſters of their Senſes, as naturally as Fire flies upwards, or Water deſcends.

For what is it that King, Lords, and Commons aſſemble? It is to reaſon together concerning the weighty Matters of the State, and to act and do for the Good of the People, what ſhall be agreeable to Reaſon and Juſtice.

I grant 'tis reaſonable that every Branch ſhould be veſted with due Powers, and thoſe Powers be equally diſtributed.

But if they muſt be veſted with Power, ſome Body muſt veſt them with it: If theſe Powers muſt be diſtributed, ſome Body muſt diſtribute them. So that

There muſt be ſome Power *prior* to the Power of King, Lords, and Commons, from which, as the Streams from the

the Fountain, the Power of King, Lords, and Commons is derived.

And what are all the different Terms which Stateſmen turn ſo often into fine Words to ſerve their Ends; as *Reaſon of State*, *Public Good*, the *Commonwealth*, the *Engliſh Conſtitution*, the *Government*, the *Laws of England*, the *Liberties of England*, the *Fleets*, the *Armies*, the *Militia of England*, the *Trade*, the *Manufactures of England?* All are but ſeveral Terms drawn from and reducible to the great Term, the *People of England*. That's the General that contains all the Particulars, and which *had all Power before any of the Particulars had a Being*. And from this Conſideration it is, that ſome who yet would be Oppoſers of this Doctrine ſay, *when it ſerves their Turn*, that all the great Offices which have the Title of *England* annexed to them, ought to be nominated and approved by the People of *England*, as the High Chancellor of *England*, High Admiral of *England*, and the like.

That Power which is Original, is Superior; *God is the Fountain of all Power, and therefore is the Supreme:* And if we could ſuppoſe a Prior and Original of the Divine Power, *that Original would be God*, and be Superior; for all ſubſequent Power muſt be ſubject and inferior to the precedent.

The Power veſted in the three Heads of our Conſtitution, is veſted in them by the People of *England*, who were a People before there was ſuch a Thing as a Conſtitution.

And the Nature of the Thing is the Reaſon of the Thing: It was veſted in them by the People, becauſe the People were the only Original of their Power, being the only Power prior *to the Conſtitution.*

For the public Good of the People, a Conſtitution and Government was originally formed; from the mutual Conſent of theſe People the Powers and Authorities of this Conſtitution are derived: And for the Preſervation of this Conſtitution, and enabling it to anſwer the Ends of its Inſtitution in the beſt Manner poſſible, thoſe Powers were divided.

The ſecond Maxim is a rational natural Conſequence of the former, That at the *final, Caſual, or any other* Determination of this Conſtitution, the Powers are diſſolved, and all

all Authority muſt derive *de novo* from the firſt Fountain, Original, and Cauſe of all Conſtitutions, *the Governed.*

Now it cannot be ſuppoſed this original Fountain ſhould give up all its Waters, but that it reſerves a Power of ſupplying the Stream: Nor hath the Stream a Power to turn back upon the Fountain, and invert its own Original. All ſuch Motions are excentric and unnatural.

There muſt always remain a Supreme Power in the Original to ſupply, in Caſe of the Diſſolution of delegated Power.

The People of *England* have delegated all the Executive Power *in the King*, the Legiſlative in the *King*, *Lords*, *and Commons*, the Sovereign Judicature in the *Lords*, the Remainder is reſerved in themſelves, and not committed, no not to their Repreſentatives: All Powers delegated are to one great End and Purpoſe, and no other, and that is *the Public Good.* If either, or all the Branches to whom this Power is delegated invert the Deſign, the End of their Power, the Right they have to that Power ceaſes; and they become Tyrants and Uſurpers of a Power they have no Right to.

The Inſtance has been viſible as to Kings in our Days; and Hiſtory is full of Precedents in all Ages, and in all Nations; particularly in *Spain*, in *Portugal*, in *Sweden*, in *France*, and in *Poland.*

But in *England*, the late Revolution is a particular Inſtance of the Exerciſe of this Power.

King *James*, on the Approach of a Foreign Army, and the general Recourſe of the People to Arms, fled out of the Kingdom. What muſt the People of *England* do? They had no Reaſon to run after him; there was no Body to call a Parliament, ſo the Conſtitution was entirely diſſolved.

The Original of Power, *the People*, aſſembled in Convention to conſider of delegating New Powers for their future Government, and accordingly made a New Settlement of the Crown, a New Declaration of Right, and a New Repreſentative of the People; and what if I ſhould ſay, *they ought to have given a New Sanction to all precedent Laws.*

It remains to argue from hence, But what Courſe muſt the People of *England* take, if their Repreſentatives exer-

ciſe the Power entruſted with them to the Ruin of the Conſtitution?

It has been advanced, That every Man muſt ſubmit, and not preſume to argue againſt it upon any Suppoſition of Miſmanagement.

I can ſee no Reaſon given to confirm ſuch a Poſition; for unleſs we will place the Original of Power in the Perſons repreſenting, not in the Perſons repreſented, it cannot be made out that there ought to be no Complaint upon the Score of their Miſmanagement.

It is not the Deſign of this Diſcourſe to leſſen the Authority of Parliament: But all Power muſt centre ſome where, If it is in the three Branches of the Conſtitution, it is there inherently and originally, or it is there by Deputation. If it be there by Deputation, then there muſt be a Power deputing, and that muſt be both *prior*, and conſequently ſuperior to the Deputed, *as before*.

If we will come off of this, we muſt fly to the old weak Refuge of a Power *Jure Divino*, a Doctrine which the moſt famous Pretenders to have lived to be aſhamed of, and whoſe Foundation is ſo weak, that it is not worth while to expoſe it.

I ſhould therefore have been very glad, that for the perfecting the Defence of the *Engliſh* Conſtitution, the Gentlemen who have begun ſo well, would have gone forward to recognize the Power of the People of *England*, and their undoubted Right to judge of the Infractions made in their Conſtitution, by either Parties abuſing the particular Powers veſted in them; and inverting them, by turning them againſt the People they are deſigned to defend.

That they would have ſtated fairly what the People of *England* are to do, if their Repreſentatives ſhall hereafter betray the Liberties or Religion of the People they are intruſted with the Defence of.

What by the Laws of Nature and Reaſon is to be expected, and what by the Laws of our Conſtitution are allowed.

To ſay, It cannot be ſuppoſed the Houſe of Commons can ever betray their Truſt, is a Compliment, no Man is bound to make them, *Humanum eſt errare*. We have ſeen Parliaments err, and do what ſucceeding Parliaments have thought fit to undo. *And as that which has been may be, ſo that may be which never has been before.*

We have ſeen Parliaments comply with Kings to the Ruin of the Nation; and we have ſeen Parliaments quarrel with Kings, to the overturning of the Conſtitution, diſſolving the Houſe of Lords, and ſuppreſſing the Monarchy.

We have ſeen Parliaments concur ſo with the Fate and Fortunes of Princes, as to comply backward and forward, in depoſing and reinthroning alternately two Kings as often as Victory put Power into their Hands, I mean *Henry* the Sixth, and *Edward* the Fourth, who were Kings and Priſoners five or ſix Times, and always the Parliament complied with the Conquerors.

We have ſeen that a Parliament of *England* confirmed the Uſurpation of *Richard* the Third, the greateſt Tyrant and moſt bloody Man that ever *England* brought forth.

We have ſeen that a Parliament confirmed *Henry* the Seventh, who really had no Right at all by Succeſſion, and reſcinded all the precedent Parliament had done.

Afterwards, in Matters of Religion, King *Henry* the Eighth made a *Popiſh Parliament* pull down the Supremacy of *Rome*, and ſet up the King's; and afterwards ſuppreſs all the religious Houſes in the Nation. His Son pulled up Popery by the Roots, and planted the Reformation, *ſtill the Parliament complied.* Queen *Mary* re-eſtabliſhed Popery, and unravelled both the Reformation of King *Edward*, and all Acts of Church and State relating to her Mother's Divorce, *and ſtill the Parliament conſented.* One *Parliament* voted Queen *Mary* legitimate, and Queen *Elizabeth* a Baſtard: Another *Parliament* legitimated Queen *Elizabeth*, and repudiated Queen *Mary*. Queen *Elizabeth* undid all her Siſter had done, and ſuppreſſed all the Proceedings of Popery; and *all was by Authority of Parliament.*

So that this Parliamentary Branch of Power is no more infallible than the Kingly.

If then upon the Subverſion of the Laws, and Interruption of common Juſtice, the Centre of Power is in the People, *a Fortiori*. The People are alſo concerned in every Degree of ſuch a Subverſion.

And it is the moſt reaſonable Thing in the World, that thoſe who upon a total Subverſion are the Sufferers, and have a Right to the Re-eſtabliſhment, ſhould have a Right to take Cogniſance of any Degree of Invaſion made up-

on their Right, and which tends to that general Subverſion.

It would be Nonſenſe to ſuppoſe, that which has all the greater Powers ſhould not have the leſs.

Can the People's Good be the main and only End of Government, and the People's Power be the laſt Reſort when Government is overwhelmed by the Errors of Governors? and have theſe People no Right, not ſo much as to be ſenſible of the Ruin of their Liberties, till it is abſolutely compleated? 'Twould be ridiculous.

The Truth is in right Reaſoning, the firſt Invaſion made upon Juſtice, either by the tacit or actual Aſſent of the three Heads of our Conſtitution, is an actual Diſſolution of the Conſtitution; and, for ought I can ſee, the People have a Right to diſpoſſeſs the Incumbent, and commit the Truſt of Government, *de novo*, upon that firſt Act.

But I chuſe rather to put the Argument upon total Subverſions of Right, Order, and Defence, and I am ſure no Body will diſpute it with me there.

And here, if I have any Foreſight, lies an abſolute Security for us againſt that Bug-bear, which ſo many pretend to be frighted at, *a Commonwealth*.

The *Genius* of this Nation has always appeared to tend to a Monarchy, a legal limited Monarchy, and having had in the late Revolution a full and uninterrupted Liberty, to caſt themſelves into what Form of Government they pleaſed: There was not diſcovered the leaſt Inclination in any Party towards a Commonwealth, tho' the Treatment they met with from their two laſt Kings, had all in it that could be, to put them out of Love with Monarchy.

A Commonwealth can never be introduced but by ſuch Invaſions of Right, as muſt make our conſtituted Government impracticable: The Reaſon is, becauſe Men never willingly change for the worſt; and the People of *England* enjoy more Freedom in our Regal, than any People in the World can do in a Popular Government.

The People of *England* can never chuſe a Commonwealth Government, till they come to deſire leſs Liberty than they now enjoy; *that is*, till they come to be blind to their own Intereſt. 'Tis true, Example is no Argument; but I might freely appeal to the Friends of the laſt Republic in *England* to anſwer this Queſtion.

Whether

Whether the People of *England*, during the ſhort Government of Parliament here, which was erroneouſly called a Commonwealth, did, or whether they can under any Commonwealth Government, founded never ſo wiſely, enjoy greater Privileges and Advantages than under the preſent Conſtitution its full and free Exerciſe, uninterrupted by the Exceſſes of Kings, evil Counſellors, Parties and Paſſions?

If any ſhall pretend that the late Parliament is aimed at in this, I hope I may have as much Liberty to ſuppoſe they are miſtaken; *for the Days of judging by* Inuendo *are at an End.*

If any Thing ſeems to lie that Way, the Error muſt be their's who have ſo mean Thoughts of them, as to think the Coat will fit them; *if it does they are welcome to wear it.* For my Part, I declare myſelf to intend only the bringing Things to ſuch a right Underſtanding, as may preſerve the Ballance of Power; and I hope I cannot offend any Free Repreſentative of the People of *England* in ſaying, that *what Power they have they receive from the People they repreſent*, and, *That ſome Powers do ſtill remain with the People, which they never either diveſted themſelves of, or committed to them.*

Nor can I be ſenſible of offending, if I ſay, that *'tis poſſible for even a Houſe of Commons to be in the Wrong.* 'Tis poſſible for a Houſe of Commons to be miſled by Factions and Parties. 'Tis poſſible for them to be bribed by Penſions and Places, and by either of theſe Extreams to betray their Truſt, and abuſe the People who entruſt them: And if the People ſhould have no Redreſs in ſuch a Caſe, then would the Nation be in the Hazard of being ruined by their own Repreſentatives. And 'tis a Wonder to find it aſſerted in a certain Treatiſe, *That it is not to be ſuppoſed that ever the Houſe of Commons can injure the People who intruſt them.* There can be no better Way to demonſtrate the Poſſibility of a Thing, than by proving that it has been already.

And we need go no farther back than to the Reign of King *Charles* the Second, in which we have ſeen Liſts of 180 Members who received private Penſions from the Court; and if any Body ſhall aſk whether that Parliament preſerved the Ballance of Power, in the three Branches of our Conſtitution, in the due Diſtribution ſome have mentioned, *I am not afraid to anſwer in the Negative.*

And

And why, even to this Day, are Gentlemen ſo fond of ſpending their Eſtates to ſit in that Houſe, that ten thouſand Pounds have been ſpent at a Time to be choſen, and now that Way of procuring Elections is at an End, *private Briberies*, and clandeſtine Contrivances are made Uſe of to get into the Houſe. *No Man would give a Groat to ſit where he cannot get a Groat honeſtly for ſitting, unleſs there were either Parties to gratify, Profits to be made, or Intereſt to ſupport.*

If then theſe Things are poſſible, it ſeems to me not ſo improper for the People, who are the Original and End of the Conſtitution, and have the main Concern in it, to be very ſollicitous that the due Ballance of Power be preſerved; and decently, and, according to Law, always to ſhew their Diſlike and Reſentment at any public Encroachment, which either Branch of the Conſtitution ſhall make on each other, or on the whole, be it by their own Repreſentatives or any where elſe.

It cannot be that the *People of England*, who have ſo much Concern in the good Agreement of their Governors, can ſee the Two Houſes of Parliament at any Time claſh with one another, or with the King, or the King with them; or encroach upon the Rights and Liberties of the Subjects, and be unconcerned, and not expreſs their Fears.

Reaſon and Juſtice allows, that when all delegated Powers fail or expire, when Governors devour the People they ſhould protect; and when Parliaments, *if ever that unhappy Time ſhall come again*, ſhould be either deſtroyed, or, which is as bad, be corrupted, and betray the People they repreſent, the People themſelves, *who are the Original of all delegated Power*, have an undoubted Right to defend their Lives, Liberties, Properties, Religion, and Laws, againſt all Manner of Invaſion or Treachery, be it Foreign or Domeſtick; the Conſtitution is diſſolved, and the Laws of Nature and Reaſon act of Courſe according to the following Syſtem of Government.

The Government's ungirt when Juſtice dies,
And Conſtitutions are non Entities:
The Nation's all a Mob; there's no ſuch Thing
As Lords, or Commons, Parliament, or King.

A great

A great promiſcuous Croud the Hydra *lies,*
Till Laws revive, and mutual Contract ties.
A Chaos *free to chuſe for their own Share,*
What Caſe of Government they pleaſe to wear.
If to a King they do the Reins commit,
All Men are bound in Conſcience to ſubmit.
But then that King muſt, by his Oath, aſſent
To Poſtulata's *of the Government:*
Which if he breaks, he cuts off the Intail,
And Power retreats to its Original.——

It may be objected; But who are theſe People to whom Power muſt thus retreat? And who have the Original Right in their Hands? It muſt be the whole People. If there be one Negative, every one having an equal Right, the real Claim of Power is imperfect: And ſince there can be no general Collective Meeting of the whole Community, there can be no Execution of their Power; and therefore this does not juſtify a few of that Body in the Name of the reſt, to execute any Part of that Power.

This may be anſwered; Tho' upon a Diſſolution of Government all the People collectively cannot be enquired of as to what they will have done, yet one Negative ought not to interrupt the whole.

I will ſuppoſe a general Diſſolution of Government in any Country, ſuch as was ſeen in this Nation at the laſt Revolution.

The People aſſembled in an univerſal Mob to take the Right of Government upon themſelves, are not to be ſuppoſed to give their perſonal Suffrages to every Article, but they may agree to a Convention of ſuch Perſons as they think fit to entruſt, to conſtitute *de novo*, and may delegate their Power, or Part of it, to ſuch a Convention; and in ſuch Caſe a general Concurrence is to be ſuppoſed, unleſs there be a public Diſſent.

Now ſuppoſe the general collective Body of the People ſhould not unanimouſly agree, it is owned the Power could not be univerſally delegated, and there a Diviſion would follow; but in ſuch Caſe, thoſe who diſſented from ſuch an Agreement muſt declare their Diſſent, and agree to any other Form of Government for themſelves, and ſo divide from the other Body, and if they do not divide, they, in Effect, do not diſſent.

But

But then this Diviſion muſt be before any Members are delegated by them to convene.

For Example:

Suppoſe the Freeholders in *Cornwall*, in ſuch a Caſe, ſhould ſay, We do not approve of your deputing Men to meet and conſult of a new Government and Conſtitution, we are reſolved to be governed by *ſuch a Man* of our own Country.

This Reſolution being againſt no Law, and that Country having ſent no Members to repreſent them, and to join with the reſt of the Body, they cannot be legally diſturbed or puniſhed, or forced to unite with the reſt of the Nation.

Such a Diviſion might be looked upon as a Misfortune to the general Body, and unkind in the Country, or Part dividing from the reſt, but in the Nature of the Thing it could not be unjuſt.

Becauſe any Body of Men are at Liberty, upon the Diſſolution of former Contracts, to be governed by ſuch Laws and Perſons, and in ſuch Manner as they ſhall think fit.

Yet is there no Fear of ſuch a Diviſion in a Country ſo depending on its ſeveral Parts as this is, becauſe the reſt would render them ſo uneaſy, that Intereſt would compel them to comply.

Note, I do not place this Right upon the Inhabitants, but upon the *Freeholders*: The *Freeholders* are the proper Owners of the Country: It is their own, and the other Inhabitants are but Sojourners, like Lodgers in a Houſe, and ought to be ſubject to ſuch Laws as the Freeholders impoſe upon them, or elſe they muſt remove; becauſe the Freeholders having a Right to the Land, the other have no Right to live there but upon Sufferance.

In former Days the Freehold gave a Right of Government to the Freeholder, and Vaſſalage and Villinage was derived from this Right, that every Man who will live in my Land ſhall be my Servant; if he wont, let him go about his Buſineſs, and live ſomewhere elſe.

And 'tis the ſame ſtill in right Reaſoning.

And I make no Queſtion but Property of Land is the beſt Title to Government in the World; and if the King was univerſal Landlord, he ought to be univerſal Governor of

Right, and the People ſo living on his Lands ought to obey him, or go off of his Premiſſes.

And if any ſingle Man in *England* ſhould, at any Time, come to be Landlord of the whole Freehold of *England*, he could indeed have no Right to diſpoſſeſs the King, till the preſent legal Settlement of the Crown failed, becauſe it was ſettled by thoſe that had then a Right to ſettle it.

But he would immediately be the full Repreſentative of all the Counties in *England*, and might elect himſelf Knight of the Shire for every County, and the Sheriff of every County muſt return him accordingly.

He would have all the Baronies and Titles of Honour which are entailed upon Eſtates devolved upon him, and upon any Expiration of the Settlement would be King by natural Right.

And he would be King upon larger Terms, than ever any Man was legally King of *England*; for he would be King by inherent Right of Property.

When therefore I am ſpeaking of the Right of the People, I would be underſtood of the Freeholders, for all the other Inhabitants live upon Sufferance, and either are the Freeholders Servants, or having Money to pay Rent live upon Conditions, and have no Title to their living in *England*, other than as Servants, but what they muſt pay for.

Upon this Foot it is that, to this Day, our Law ſuffers not a Foreigner to purchaſe any of the Freeholds of *England*: For if a Foreigner might purchaſe, your Neighbours (having Money to ſpare) might come and buy you out of your own Country, and take Poſſeſſion by a legal and indiſputable Right.

This Original Right was the firſt Foundation of the ſeveral Tenures of Land in *England*; ſome held of the King, ſome of the Lord, ſome by Knight Service, Soccage, and the like, and ſome were called Freeholds. The Lords of Manors had their Homages, and their Services from their Tenants, as an Acknowledgment that the Right of the Land gave a certain Right of Government to the Poſſeſſor over all the Tenants and Inhabitants.

But he that poſſeſſed the leaſt Freehold, was as much Lord of himſelf, and of that Freehold, as the greateſt Nobleman in the Nation; he owed no Homage or Service,

no, not to the King, other than as limited by Laws of his own making, *that is*, as he was repreſented in Parliament.

And as a Thing which will put this Argument out of all Queſtion: The Right to Lands, Manors, and Lordſhips, was not originally a Right granted by Patents from Kings, or Acts of Parliament, but a natural Right of Poſſeſſion handed down by Cuſtom, and ancient Uſage, as the Inheritance from the ſtill more ancient Poſſeſſors and Preſcription, or Uſage Time out of Mind is, to this Day, allowed to be a ſufficient Title in ſeveral Caſes, where Conveyances, Deeds, Charters, and Writings of Eſtates are ſilent, eſpecially as to Buttings and Boundings of Land, Highways, Foot-Paths, Water-Courſes, Bridges, and the like.

This Right, as all Right is originally founded upon Reaſon: For it would be highly unreaſonable, that thoſe People who have no Share of the Houſe ſhould live in it whether he that built it will or no. No Perſon has any Right to live in *England*, but they to whom *England* belongs; the Freeholders of *England* have it in Poſſeſſion; *England* is their own, and no Body has any Thing to do here but themſelves.

If they permit other People to live here, well and good, but no Man but a Freeholder lives here upon any Terms but *permiſſu Superiorum*, and he pays Rent for his Licence to live here.

Thus the Liberties and Privileges of Towns and Corporations, are founded upon Acts of Parliament to confirm Charters or Grants from the Crown, by which the Freeholders give their Conſent that ſuch and ſuch Bodies of Men living in ſuch Towns, ſhall enjoy certain Privileg s in Conſideration of their being ſo conſiderably ſerviceable to the Nation, by paying Taxes, maintaining the Poor, by Manufactures, Trade, and the like, notwithſtanding they are not poſſeſſed of any Part of the Freehold.

And 'tis obſervable, the King cannot give this Privilege, ſo as to enable any of theſe Corporations to ſend Repreſentatives to Parliament. None, but the Freeholders of *England* (and ſuch Towns in Conjunction) to whom the Freeholders have already granted ſuch Privilege, can give a Qualification of ſuch a Nature, as is a receiving them into an equal State of Privilege with a Freeholder.

Every

Every Man's Land is his own Property; and 'tis a Treſpaſs in the Law for another Man to come upon his Ground without his Conſent. If the Freeholders ſhould all agree That ſuch a Man ſhall not come upon their Land; That they will not lett him a Houſe for his Money; That whoſe Land ſoever he ſets his Foot on, the Owner ſhall indict him for a Treſpaſs, as by Law he may, the Man muſt fly the Nation of Courſe.

Thus the Freeholders having a Right to the Poſſeſſion of *England*, the Reaſon muſt be good that they muſt have the ſame Right to the Government of themſelves, that they have to the Government of the reſt of the Inhabitants; and *that there can be no Legal Power in* England, *but what has its Original in the Poſſeſſors; for Property is the Foundation of Power.*

I am not undertaking to find Fault with our Conſtitution, tho' I do not grant neither, that it is capable of no Amendment; but I would endeavour to make Way, by retreating to Originals, for every Member to perform its proper Function, in order to put the general Body into its regular Motion.

For as in the natural Body, if any Member, either by Contraction of the Organ, Diſlocation, or other Accident, fails in the Performance of its proper Duty, the Locomotive Faculty is either interrupted, and the Body diſtorted, or at leaſt the Regularity of Natural Motion is invaded: So in the Body Politick, if one Branch of the general Union errs, and that Error is not corrected, the whole Conſtitution ſuffers a Shock, and there is an Infraction of the general Order.

The Excellency of our Conſtitution conſiſts of the *Symmetry of Parts, and the Ballance of Power*; and if this Ballance be broken, one Part grows too great for the other, and the whole is put into Confuſion.

To give ſome Inſtances of this, it will be needful to enter a little into Hiſtory, and we need not go far to inform ourſelves, that there has been a Time when the Weakneſs of our Conſtitution has appeared.

Our Conſtitution, when all the fine Things in the World have been ſaid of it, is not impregnable; when Power has been thrown wholly into one Scale, the other has always been trampled under Foot, and overthrown by it.

The Regal Power under King *Charles* the First, over-ballanc'd the Lords & Commons, to the invading the Right of levying Taxes veſted wholly in the Parliament, and to the diſcontinuing Parliaments for 14 Years, and the many Convulſions the Conſtitution felt in that Time, is too melancholy a Subject to reflect upon.

The Houſe of Commons in the next Settlement over-ballanc'd the Lords, and Power being added to one Side, toſs'd the Upper Houſe quite out of the Scale, abſolutely annihilated the very Being of the Peers *as a Houſe*, and voted them out of the Conſtitution.

By the Reſtoration the Conſtitution returned to its Original, and the Ballance was poiſed again: What Attempts have ſince been made to overthrow it, are needleſs to be inſiſted upon, but the Nature of the Thing leads me to make one Remark, That if the King can do no Wrong, nor is not puniſhable, or blameable, by our Conſtitution, but the Miniſtry, as a late Author has very clearly ſet down, then we have acted ſtrangely in the late Revolution; in which the King, who muſt be innocent, only ſuffered; and the Miniſtry, who muſt be guilty, not only were excuſed, but entruſted and employed.

Not that I am of ſome People's Opinion neither, who think the late King had hard Meaſure in being depos'd, when he was really not accountable. For I preſume I may affirm, That the depoſing King *James* was founded upon his deſerting the Nation, not his Male-Adminiſtration; for had he continued in *England*, you might poſſibly have ſubdued him, and took him Priſoner, but there had been no Room for tranſpoſing the Crown while he had been alive.

And 'tis allowed by all, that thoſe Perſons, who adviſed him to quit the Kingdom by flying out of it, either wilfully betrayed him, or very ignorantly gave him the only Council which could compleat his Ruin.

How then it comes to paſs that thoſe evil Miniſters have arrived to Impunity for what was paſt, and again to be truſted both in the Court, and in the Parliament, with the People's Liberties, *is a Myſtery paſt our Reaches.*

If I had no Name myſelf, I would ſet down their's; or if I had a Preſs in the Clouds to print their Practices, the World ſhould not be ignorant; but ſince 'tis not ſo, I ſhall only

only ſay as our Saviour ſaid of ſome Body elſe, *By their Works ye ſhall know them.*

Still I allow, that of this Power ſo derived from Property, the *Houſe of Commons* are the Abridgment; they are *the Freeholders of* England *in Miniature*; to them all needful Powers and Privileges are committed, to make them capable of acting for the People they repreſent; *and, Extremities excepted, they are our laſt Reſort:* But if they employ thoſe Privileges and Powers againſt the People, the Reaſon of thoſe Powers is deſtroyed, the End is inverted, and the Power ceaſes of Courſe.

From hence 'tis reaſonable to give them Inſtructions; and tho' they are not conditionally choſen as to their Inſtructions, yet they ought in Honour to think themſelves under equal Obligation to ſtand by thoſe Inſtructions.

Inſtructions to Members are like the Power given to an Arbitrator, in which, tho' he is left fully and freely to act, yet 'tis in Confidence of his Honour that he will think himſelf bound, by the Directions he receives from the Perſon for whom he acts.

If an Arbitrator inverts the Deſign of his Principle, he deſtroys the End of his Election, and is ſure never to be entruſted again.

The *Houſe of Commons* are our Sanctuary againſt the Oppreſſion of Princes, the Nation's Treaſurers, and the Defenders of their Liberties; but all theſe Titles ſignify, that at the ſame Time they are the Nation's Servants.

The *Houſe of Commons* alſo are mortal, as a Houſe; a King may diſſolve them, they may die, and be extinct, but the Power of the People has a Kind of Eternity with Reſpect to Politic Duration: Parliaments may ceaſe, but the People remain; for them they were originally made, by them they are continued and renewed, from them they receive their Power, and to them in Reaſon they ought to be accountable.

Some diſtinguiſhing Characters of a Parliament Man.

Firſt. MEN of Senſe; the Houſe of Commons is not a Place for Fools; the great Affairs of the State, the Welfare of the Kingdom, the public Safety, the Religion, Liberties, and Trade, the Wealth and Honour of the Nation, are not Things to be debated by Green Heads; the Saying we have, That the Houſe of Commons is a School for Stateſmen, is an Error, in my Opinion; they ſhould be all well taught, and thoroughly learned in Matters of the higheſt Moment before they come there.

There has always been a Sort of Gentlemen in the H—ſe who uſed to be called the Dead Weight, who paſs their Votes in the Houſe as the poor ignorant Freeholders in the Country do, juſt as the Landlord, or the Juſtice, or the Parſon directs; ſo theſe Gentlemen underſtanding very little of the Matter, give their Votes juſt as Sir ſuch a one does, let it be how it will, or follow ſuch a Party, without judging of the Matter.

Of all Employments a Fool is the moſt unfit for a Parliament Man, for there is no Manner of Buſineſs for him; he is capable of ſaying neither *Ay*, nor *No*, but as he is lead.

I deſire to be underſtood here what I mean by a Fool, not a Natural, an Idiot, a *Ben* in the *Minories*, a Born Fool, no, nor a ſilly, ſtupid, downright Blockheaded Fool: But Men are Fools, or Wiſe Men, comparatively conſidered with Reſpect to their ſeveral Capacities, and their ſeveral Employments; as he may be a Fool of a Parſon who is a very ingenious Artificer; a Fool of a Clock-Maker, and yet a very good Sailor; ſo a Gentleman may be a good Horſe-racer, a good Sportſman, a good Swordſman, and yet be a Fool of a Parliament-Man, therefore ſo I am to be underſtood.

That

That he who is capable to ſerve his Country as a Repreſentative in Parliament, ought to be a Man of Senſe, *that is*, a Man of a general Knowledge, and Receptive of the general Notions of Things, acquainted with the true Intereſt of his native Country, and the general State of it, as to Trade, Liberties, Laws, and common Circumſtances, and eſpecially of that Part of it for which he ſerves; he ought to know how to deliver his Mind with Freedom and Boldneſs, and pertinent to the Caſe; and he ought to be able to diſtinguiſh between the different Circumſtances of Things, to know when their Liberties are encroached upon, and to defend them, and to know how to value a Prince who is faithful to the Liberty and Intereſt of his Country, and to diſtinguiſh ſuch a one from thoſe who have made it their Buſineſs to oppreſs and invade the Liberties and Properties of the People, and betray them and their Intereſt.

2*dly*. Men of Years; tho' 'tis confeſſed Wiſdom makes a young Man old, yet the Houſe of Commons is not a Houſe for Boys; we have ſeen too many young Men in the Houſe, and raſh Councils are generally the Effect of young Heads. Fools and Boys would do leſs Harm in the Houſe, and grow wiſer by being there, were they but allowed to ſit, and not give their Votes; but while a Boy may do as much Miſchief as a Man, and a Fool as a Man of Senſe, 'tis hard the material Points of the Nation's Happineſs ſhould be committed either to young or weak Heads.

The Parliament of *England* is the great Council of the Nation, and on their Reſolutions depends the Proſperity both of King and People. Now if theſe Councils are committed to young Heads, the Proceedings will be ſuitable; as he that ſends a Fool with a Meſſage muſt expect a fooliſh Anſwer; ſo he that ſends a Boy to Market expects to make a Child's Bargain.

3*dly*. Men of Honeſty. It was formerly ſaid, Chuſe Men of Eſtates; the Reaſon was, that they might not be tempted by Places and Penſions from the Court, to ſell the Nation's Liberties; and, indeed, the Caution was good. It was ſuppoſed that a Man of Eſtate will be cautious what he gives, becauſe he is to pay the more of it himſelf.

But let a Man have but Senſe to know when there is a Neceſſity to give, and that Senſe backed with Honeſty, if he has not one Groat in Eſtate, he will be as cautious of giving

giving away the Nation's Money, as he would be of his own: To deſire Men ſhould have Eſtates, that their Intereſt ſhould make them ſhy, and backward to give Money; ſuppoſes at the ſame Time they ſhould want both Senſe and Honeſty. *Senſe*, that they could not value the Nation's Money, unleſs they were to pay Part of it themſelves; and *Honeſty*, that they would not take as much Care of giving away the Nation's Money as their own. Wherefore do but chuſe Men of Honeſty, and I do not lay ſo great a Streſs upon a Man's Eſtate.

The laſt Character I ſhall recommend to your Choice is, Let them be Men of ſtrict Morals.—— Rakes are no more fit to ſit in the Houſe of Commons than Fools and Knaves.